

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

TYRONE WALKER, Register No. 159440,)	
)	
Plaintiff,)	
)	
v.)	No. 06-4090-CV-C-NKL
)	
STEWART EPPS, Superintendent, Fulton)	
Correctional Center, et al.,)	
)	
Defendants.)	

ORDER

On November 9, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Report and Recommendation is adopted [18]. It is further

ORDERED that defendant Epps' motion to dismiss is granted and plaintiff's claims against defendant Epps are dismissed, with prejudice, for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983 [14]. It is further

ORDERED that any remaining claims against unidentified defendants are dismissed, without prejudice.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: December 12, 2006
Jefferson City, Missouri